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22907 7590 09/10/2009 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER CHAMBERS, MICHAEL S				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEORGE MICHAEL MOCKRY and GREGORY MICHAEL
MOCKRY

Appeal 2009-001218
Application 09/878,860
Technology Center 3700

Decided: September 10, 2009

Before RICHARD M. LEBOVITZ, JEFFREY N. FREDMAN, and
STEPHEN WALSH, *Administrative Patent Judges*.

FREDMAN, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellants have requested rehearing of the decision entered August 3, 2009. That decision affirmed the Examiner's rejection of claims 23, 25, 27-30, and 32-40 and reversed the Examiner's rejection of claim 24 under 35 U.S.C. § 103(a).

Appellants' request for reconsideration has been granted.

DISCUSSION

Appellants note that the previous decision affirmed the rejection of claims 30 and 32-34, but claims 30 and 32-34 depend from claim 24. The rejection of claim 24 was reversed in the decision (Req. Recons. 5).

We agree with Appellants' reasoning and modify our decision so that the rejection of claims 23, 25, 27-29 and 35-40 is affirmed and the rejection of claims 24, 30 and 32-34 is reversed.

We note that this does not affect the reasoning of the dissent, which maintains that the rejections of all the claims should be affirmed over the cited art.

SUMMARY

Appellants' request has been granted and the decision affirming-in-part the examiner's rejections under 35 U.S.C. § 103(a) is modified so that the rejection of claims 30 and 32-34, which depend from claim 24, is reversed.

GRANTED

dm

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